

The Flinn Report

Illinois

Regulation

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700 Stratton Bldg., Springfield IL 62706

Joint Committee on Administrative Rules

Illinois General Assembly

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Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

ANIMAL WELFARE

The DEPARTMENT OF AGRICULTURE adopted amendments to "Animal Welfare Act" (8 Ill Adm Code 25), effective 7/24/06, to update references to federal regulations to reflect the most recent editions. An additional change requires that any dog used to sire litters produced by a licensee under the Animal Welfare Act must be tested annually for brucellosis by a veterinarian. A copy of the test results must be retained by the licensee for 2 years. Licensed dog breeders and veterinarians are affected by this rulemaking.

Questions/requests for copies: Linda Rhodes, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, Fax 217/785-4505.

YOUTH HOUSING

THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted a new Part titled "Licensing Standards for Youth in Transitional Housing" (89 Ill Adm Code 409), effective 9/1/06, to implement Public Act 93-105. The rulemaking establishes a licensure program for youth transitional hous-

ing to serve 16- and 17-year-old homeless minors. Minors in the custody of DCFS or under its guardianship are ineligible for residence under this program. The transitional housing program may be approved to operate in an existing licensed child care facility or in an unlicensed facility if it meets the standards specified in this Part. Covered topics include application procedures, staffing, background checks, physical facilities, youth admission criteria, program services, and recordkeeping. Changes since 1st Notice are: required maintaining separate sleeping quarters for YTHP residents and maintaining adult residents separate from YTHP homeless youth; added requirements to guide the use of volunteers; restricted a staff member from being in the facility if impaired by drugs/alcohol; prohibited mentally retarded youth from admittance to YTHPs; required provision to the youth of a copy of the reports regarding financial deposits and an inventory of the youth's personal property; and allowed homeless youth in need of shelter to be admitted to the YTHP while waiting for completion of the partial emancipation process. Those affected by this rulemaking in-

(cont'd next page)

DRINKING WATER

The POLLUTION CONTROL BOARD proposed amendments to "Primary Drinking Water Standards" (35 Ill Adm Code 611) that reflect federal amendments adopted by the USEPA from 7/1/05 through 12/31/05 that established the Cross-Media Electronic Reporting Rule. The Rule sets standards for the filing of documents in various federal program areas in an electronic format, imposing minimum requirements on documents filed in that format and on the electronic document systems used to receive them. Those affected by this rulemaking include small businesses, small municipalities and not-for-profit corporations that own or operate a public water supply.

Requests for copies/comments until 9/18/06: Dorothy Gunn, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620. Questions: Michael J. McCambridge, the same address, 312/814-6924, e-mail: mccambm@ipcb.state.il.us. Please reference docket R06-15.

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NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

clude both licensed and unlicensed child care facilities that desire to operate a youth transitional housing program.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe, Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, Fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us

REINSURANCE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION repealed "Ceded Reinsurance of Property and Liability Insurers" (50 Ill Adm Code 923), effective 7/24/06. According to the Department, the topics covered in this Part, originally adopted in 1981, are obsolete. The Part specified certain conditions under which credit may be allowed for reinsurance ceded by licensed property and casualty insurers in their annual statements and was applicable to all licensed insurers with respect to reinsurance transactions for all kinds of insurance except life and disability. The Department also stated that any currently relevant information of this nature may be obtained without using the ceded reinsurance report required in Part 923.

PENSION FUNDS

DFPR also adopted amendments to its rule titled "Payment of Annual Com-

pliance Fees for Pension Funds" (50 Ill Adm Code 4415), effective 7/24/06, primarily to revise its fee structure to conform to fee increases required by the 2004 Budget Implementation Act. Fees for pension funds that are required to file annual financial statements with the public pension division of DFPR's Division of Insurance increase from .007% (0.7 basis points) of the total assets of the pension fund to .02% (2 basis points). The amendments alter this fee assessment and make numerous nonsubstantive, technical changes.

Questions/requests for copies: Sara Ross (217/782-9760) for Part 923 and John McNutt (217/524-7171) for Part 4415, DFPR, 320 W. Washington, Springfield IL 62767-0001.

ELEVATOR SAFETY

The ELEVATOR SAFETY REVIEW BOARD (through the Office of the State Fire Marshal) adopted emergency rules creating a new Part, "Illinois Elevator Safety Rules" (41 Ill. Adm. Code 1000), effective 7/21/06, for a maximum of 150 days. The City of Chicago is exempt from these rules. Persons involved in the design, installation, construction, operation, inspection, testing, maintenance, alteration and repair of regulated conveyances (elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts and automated people conveyances) will be affected,

as will any owner or lessee of a building with a regulated conveyance. Owners of a conveyance in a private residence that is not used by the public are exempt. The rules require licensure of elevator inspectors and contractors and various types of elevator mechanics. Temporary licenses are available for mechanics awaiting full licensure. Mechanic apprentices and helpers are required to register with OSFM. Persons who want to license by grandfathering (i.e., based on their pre-law experience), must apply to the OSFM by 1/1/07. Also starting 1/1/07, permits will be required for construction of new and alteration of existing conveyances. Owners of currently existing regulated conveyances must register those conveyances with the OSFM by 1/1/07. With Board approval, a municipality or county may operate a local permit program if its standards are at least as stringent as these State rules. Various national conveyance safety standards are incorporated by reference. The rules specify procedures and fees for licensure/renewal, apprentice/helper registration, conveyance registration, installation or alteration permits, and conveyance inspections. Disciplinary procedures for violation of this Part are outlined.

Questions/requests for copies/comments: John Fennell, OSFM, 1035 Stevenson Drive, Springfield IL 62703-4259, 217/558-1318

Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at JCAR's August 8, 2006 meeting in Chicago.

POLLUTION CONTROL BOARD

"Standards and Requirements of Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamina-

tion" (35 Ill Adm Code 1505) proposed 5/5/06 (30 Ill Reg 8061)

"Clean Construction or Demolition Debris Fill Operations" (35 Ill Adm Code 1100) proposed 4/21/06 (30 Ill Reg 7711)

DEPARTMENT OF CORRECTIONS

"Rights and Privileges" (20 Ill Adm Code 525) proposed 5/26/06 (30 Ill Reg 9389)

Proposed Regulations

INSURANCE ADJUSTERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to "Licensing of Public Adjusters" (50 Ill Adm Code 3118) to reflect agency reorganization, institute criminal background check procedures for public adjuster license applicants, delineate minimum client disclosure requirements for public adjusters having an economic relationship with a contractor or vendor, and restrict the fees a public adjuster can charge if a client chooses a contractor or vendor the public adjuster

did not recommend.

Questions/requests for copies/comments concerning this rulemaking until 9/18/06: Tim Cena, DFPR, 100 West Randolph, Suite 9-301, Chicago IL 60601-3218, 312/814-5407.

PUBLICATION ERROR

The Joint Committee on Administrative Rules announced correction of a publication error that occurred in the text of a rulemaking amending "Medication" (11 Ill Adm Code 603), proposed in the 7/21/06 *Illinois Register*

by the Illinois Racing Board. Section 603.60(a)(3)(B) contained a typographical error in the reference to the amount of phenylbutazone or oxyphenylbutazone found in post-race samples. The phrase "greater than or equal to 1.0 8-0-mcg/ml" should read "greater than or equal to 10.0 8-0-mcg/ml". The proposed text submitted by the Racing Board was correct. JCAR regrets the error.

Questions/requests for copies: Deborah Connelly, JCAR, 700 Stratton Bldg., Springfield IL 62706, 217/785-2254.

JCAR 2005 ANNUAL REPORT

The Joint Committee on Administrative Rules' 2005 annual report is now available. The report summarizes agency rulemaking, JCAR actions, and public act reviews in addition to legislative and judicial actions that affected rulemaking.

Copies of the 2005 Annual Report of the Joint Committee on Administrative Rules are available to the public. The volume may be ordered for \$2.61 (\$4.20 with postage included) by sending a check to JCAR at the address listed on the front of this newsletter. It is also available online at our website at www.ilga.gov/commission/jcar

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